

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Paul Hupp,

Plaintiff,

Y.

**Vicki Kurpinsky, A.K.A. Vicki Castellanos,
Debra Murphy Lawson,
Djinna M. Gochis,
Roes 1-25
Individually and in their official capacity as
State Bar of California employees, Jointly,
Jointly and Severally,
Defendants.**

Case No.: 10-cv-00413 UA (RC)
Case No.: 10-cv-00790 UA (RC)

**PLAINTIFF PAUL HUPP'S REPLY BRIEF
TO JUDGE MARGARET M. MORROW'S
JUNE 17, 2010 ORDER DENYING
PLAINTIFF'S MOTION TO DISQUALIFY
JUDGE ROSELYN MERLE CHAPMAN**

I. Introduction

PLEASE TAKE NOTICE that Plaintiff Paul Hupp, *In Propria Persona*, now files his reply brief to Judge Morrow's June 17, 2010 Order denying to disqualify Judge Chapman for cause.

II. Argument

Judge Morrow falsely states Judge Percy Anderson has declared Plaintiff a vexatious litigant. There is no foundation, nor evidence, in the record to support such a claim, just extra judicial hearsay.

1 How such a finding would have any relation to this case whatsoever is not explained, and
 2 for good reason, **there is no connection**. It was just a way for Judge Morrow to try to slime the
 3 Plaintiff with non-relevant claims. To the extent Percy Anderson may have issued such an order,
 4 it would not be a final order until all appeals have been exhausted, and still not relevant.

5 Judge Morrow makes more unsupported claims by stating Plaintiff was convicted of
 6 contributing to the delinquency of a minor¹. Plaintiff has never been convicted of any crime,
 7 including contributing to the delinquency of a minor
 8

9 *Hupp III* was not dismissed because plaintiff failed to pay the docketing fees. *Hupp III*
 10 was dismissed because the Court of Appeals lost two (2) applications to proceed In Forma
 11 Pauperis ("IFP"). *Hupp III* was not dismissed on the merits, but technical issues that the Court of
 12 Appeals themselves created and refused to remedy. *Hupp III* was **not dismissed with prejudice**,
 13 so Plaintiff was **free to refile it** at any time.

14 In addition, *Hupp III* could not be properly appealed because Judge Chapman's proposed
 15 order, falsely claimed to be "attached" to the IFP denial, was NOT attached to the IFP denial, so
 16 Plaintiff had no idea of the reasons for the denial. The clerk confirmed this fact when Plaintiff
 17 called the clerk and asked if the clerk had simply left off the "attachment". There was no
 18 attachment per the clerk's own statement.

19 Plaintiff's motion to disqualify Judge Chapman was based on her **perjury**, Chapman's
 20 claim that Plaintiff did not "petition" the California Supreme Court **to clear his background**,
 21 prior to filing the actions in *Hupp III* and *Hupp IV*, not any assertion that he was seeking **just a**
 22
 23
 24
 25

¹ See Morrow's Order, P:3-L7-8

1 **waiver** of his state court filing fee, as Judge Morrow has falsely stated². Plaintiff's motion to
2 disqualify clearly states this³;

3 "Plaintiff then **"petitioned"** the California Supreme Court to *have his background*
4 *cleared*, or alternatively to allow him a hearing to be heard over the issue. The California
Supreme Court took no action whatsoever."⁴ Bold in original. Italics and underline added.

5 Judge Morrow's claim by Plaintiff that Chapman "ignored his petition to the California
6 Supreme Court to waive filing fees..." **is therefore just a straight up lie**, and not supported by
7 the record. Judges are not free to cherry pick the complaint, and include parts they like, while
8 excluding others they do not agree with. That is not how our court system works.

9 The facts are clear, the **petition** to the California Supreme Court was **to have Plaintiff's**
10 **back ground cleared**⁵, or alternatively to waive the State Bar Court filing fee so he could have a
11 hearing on the issue, as **required** under the Due Process Clause of the United States Constitution
12 and United States Supreme Court case law. Furthermore, Judge Morrow falsely states that the
13 "State Bar"⁶ found he was not of good moral character. This is completely false; the State Bar
14 has made no such finding. The State Bar has a "committee" on moral character examination that
15 makes suggestions, but the State Bar itself does not make any findings-as Judge Morrow has
16 falsely stated. And they are only **suggestions**, the committee has no authority to deny anything,
17 only the California Supreme Court has the authority to deny a moral character determination.
18

19 Judge Morrow further lies about Plaintiff's complaint by stating;

20 "Plaintiff has not alleged that he sought review of his moral character determination, but
21 only of a request to waive his filing fee⁷".

22
23 ² See Morrow's Order, P:4-L19-20

24 ³ See Plaintiff's Motion To Disqualify, P:2;L:9-11

⁴ See Plaintiff's Motion To Disqualify, P:2;L:9-11

25 ⁵ Plaintiff has **NEVER** petitioned the California Supreme Court to "review" his background clearance; he has asked
the California Supreme Court to **CLEAR** his background.

⁶ See Morrow's Order, P:3-L5-6

⁷ See Morrow's Order, P:6-L17-18

1 Judge Morrow seems to be affected by the same perjurious condition that Judge Chapman
2 is afflicted by. So let Plaintiff repeat exactly what his complaint alleges;

3 "Plaintiff then "petitioned" the California Supreme Court to *have his background*
4 *cleared*, or alternatively to allow him a hearing to be heard over the issue. The California
5 Supreme Court took no action whatsoever."⁸ Bold in original. Italics and underline added.

6 Only a perjuring liar would claim that Plaintiff had not sought to have his background
7 reviewed in light of such clear and concise language.

8 Perjury is certainly grounds for disqualifying a dirty judge. Judge Chapman has clearly
9 committed perjury by claiming Plaintiff did not petition the State Bar to clear his background.

10 Judge Chapman's statement is not correct, but a perjured lie. Plaintiff *never* claimed
11 Chapman denied his IFP based on a petition for the State Bar to "waive a filing fee"⁹, and that is
12 clear.

13 Judge Morrow stating falsehoods repeatedly in her decision is not going to change the
14 facts, or the fact that Chapman committed perjury. Let Plaintiff once more point out the law
15 of due process for denial of law licenses, because this court and the judges in it seem to not have
16 a very clear understanding of that law;

17 "A claim of a present right to admission to the bar of a state and a denial of that right is a
18 controversy. **When the claim is made in a state court and a denial of the right made**
19 **by judicial order, it is a case which may be reviewed under Article III of the**
20 **Constitution when federal questions are raised and proper steps taken to that end in**
21 **this Court."** See In Re Summers, 325 U.S. 561, 568 (1945). Bold added.

22 "The requirements of **procedural due process must be met before a State can exclude**
23 **a person from the practice of law"**. See Willner v. Committee On Character, 373 U.S.
24 96, 102 (1963). Bold added.

25 ⁸ See Plaintiff's Motion To Disqualify, P:2;L:9-11

⁹ See Morrow's Order, P:6-L17

1 Respectfully submitted.

2 Dated this 24th day of June, 2010

3 /s/ Paul Hupp

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9 *In Propria Persona*

